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**Economic Commission for Europe**

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

**Sixth session**

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

**Second session**

Geneva, 2–5 June 2014
Items 3 (d) and 12 of the provisional agenda

**Outstanding issues: draft declaration**

**Adoption of the declaration**

# Draft declaration

## Proposal by the Bureau

*Summary*

The present draft declaration was prepared by the Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment, with the support of the secretariat, as requested by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its third meeting (Geneva, 11–15 November 2013).

The declaration's section on nuclear energy-related issues builds on initial inputs from the Lithuanian Presidency of the Council of the European Union and the European Commission.

The Meetings of the Parties are expected to agree on the text of the draft declaration and on its adoption.

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*We, the high-level representatives of the United Nations Economic Commission for Europe (ECE) member States and the European Union gathered in Geneva from 2 to 5 June 2014 on the occasion of the sixth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,*

## A. On the application of the Convention and the Protocol to nuclear energy issues

*Mindful of* the growing energy needs that call for diversification of energy sources, including the exploration of renewable energy sources,

*Respecting* the sovereign right of each Party to the Convention and the Protocol to make decisions upon its national energy mix, while protecting the environment and human health,

*Aware* that nuclear energy-related activities are being carried out or planned in the region and beyond,

*Conscious* that nuclear energy-related activities due to their nature can lead to significant transboundary and long-range adverse environmental impacts and imply special challenges due to great public concern and national interests,

*Acknowledging* that the Convention is a key instrument establishing rules for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environment impact from proposed activities that include nuclear energy-related activities,

*Acknowledging also* that the Protocol is an essential instrument to ensure the assessment of the environmental, including health, effects of plans and programmes, and possibly also policies and legislation, that set the framework for future development consent for projects, including in the field of nuclear energy,

*Recognizing* that other international treaties and relevant international organizations play an important role in ensuring nuclear safety and security worldwide,

1. *Emphasize* that Parties to the Convention and the Protocol that carry out nuclear energy-related activities should do so only in accordance with the Convention and the Protocol, in a sustainable manner, taking into consideration the precautionary and polluter pays principles, and respecting international nuclear safety standards and relevant environmental legislation;

2. *Invite* all Parties to apply the Convention and the Protocol in the nuclear energy-related field in a consistent, cooperative and transparent manner, following all the procedural steps, and ensuring that a transboundary environmental impact assessment of planned activities and a strategic environmental assessment of plans and programmes are undertaken before the decision to authorize or undertake the activities is taken or the plan or programme is adopted;

3. *Also invite* all Parties to the Convention and the Protocol to ensure early, timely and effective consultations and public participation — when all options (including locational and technological alternatives for planned activities) are open;

[4. *Recommend* that the environmental impact assessment documentation should describe, identify and assess all the impacts of a nuclear energy activity [from its design, location, construction, commissioning, operation, decommissioning or dismantling phases

in a life-cycle analysis and assessment,] or [throughout the whole life cycle] taking also into consideration its impacts on climate and risks,]

[5.] *Invite* all Parties to the Convention to take due account of the outcomes of the transboundary environmental impact assessment procedure in the final decision on the proposed activity, including the environmental impact assessment documentation and the comments made by the authorities and public of the potentially affected Parties;

[6. *Consider* that if an activity needs upgrade works during its life cycle — following stress tests or other assessments — this should be considered as a change to the activity in question and be subject to the provisions of the Convention;]

[7.] *Encourage* civil society and all stakeholders to actively and constructively participate in the environmental impact assessment and the strategic environmental assessment procedures and share best practices in this regard;

[8.] *Recognize* the need to assist countries in the practical application of the Convention and the Protocol in the field of nuclear energy, and welcome the decision to elaborate good practice recommendations to support the application of the Convention to nuclear energy-related activities (decision VI/7);

[9.] *Emphasize* that close cooperation and improved mutual understanding of other Parties' practices and needs in the field of nuclear energy will facilitate the application of transboundary environmental procedures in full compliance with the Convention and the Protocol;

[10.] *Encourage* more effective cooperation between Parties and secretariats with all relevant international treaties as well as international organizations to maximize synergies and strengthen capacities with a view to ensuring the highest possible quality of environmental assessment documentation and level of safety in the nuclear energy field, especially stressing the importance of the treaties under the auspices of the International Atomic Energy Agency (IAEA), including in particular the 1994 Convention on Nuclear Safety;

11. *Recommend* that Parties to the Espoo Convention and its Protocol explore the IAEA Site and External Events Design (SEED) Review Service, in order to ensure that the best available option is selected for nuclear energy development.

## B. On the global application of the Convention and the Protocol

*Convinced* that the Convention and the Protocol are effective instruments for fostering environmentally sound and sustainable development, and for supporting closer international cooperation also beyond the ECE region,

*Recognizing* the important contribution of both treaties to improving environmental governance and transparency in planning and decision-making, promoting public participation pursuant to principles 10, 17 and 19 of the Rio Declaration on Environment and Development[1] and convinced that they bring benefits also worldwide,

[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference*, resolution 1, annex I (United Nations publication, Sales No. E.93.I.8 and corrigendum), available from http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm.

*Emphasizing* that the Convention is the only international legal instrument requiring countries to notify and consult each other on activities under consideration that are likely to have a significant adverse environmental impact across borders,

*Emphasizing also* that strategic environmental assessment, in particular, is a key tool for integrating environment and health considerations into planning, policymaking and legislation, including related to greening the economy and climate change mitigation, for all the United Nations Member States alike,

*Recognizing* that strategic environmental assessment can help all countries achieve the Millennium Development Goal of integrating the principles of sustainable development into their plans, programmes and policies to ensure environmental sustainability,

*Welcoming* the increased interest in the Convention and the Protocol and the involvement of many non-ECE countries in activities within their framework,

*Wishing* to share the knowledge, practices and experience gained in the ECE region and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

*Recalling* that the Protocol provides for the accession of all United Nations Member States,

*Recalling also* decision II/14 of the Meeting of the Parties to the Convention of 27 February 2001 to amend the Convention's article 17 to allow for States outside the ECE region to become Parties to the Convention,

*Aware* that the 2001 amendment to the Convention must enter into force for all the Parties that were Party to the Convention at the time of the amendment's adoption for it to have effect,

*Wishing* to allow countries outside the ECE region to become Parties to the Convention and to the Protocol as soon as possible following a procedure for accession not differing from the procedure for accession by ECE member countries,

1. *Urge* all the States and organizations that were Parties to the Convention on 27 February 2001 that have not yet done so to ratify the amendment to article 17 as soon as possible;

2. *Call upon* all member States of ECE that have not yet done so to ratify and accede to the Convention, its amendments and the Protocol;

3. *Invite* other interested States that are Members of the United Nations to take steps to implement the two treaties with a view to a future accession;

4. *Emphasize* that, in order to reap the full benefit of the Convention and the Protocol, States must not only become Parties, but must also introduce all the necessary national measures, both legal and practical, to meet their obligations fully;

5. *Encourage* the Parties and Signatories to the Convention and the Protocol, as well as other United Nations Member States wishing to accede to the two treaties, to develop sufficient capacity for the Convention's and the Protocol's successful implementation;

6. *Recognize* that the successful implementation of the Convention and the Protocol depends in part on the relevant authorities having adequate administrative and financial capacity to comply fully with their requirements;

7. *Acknowledge* the need to raise awareness of the benefits of the Convention and the Protocol as well as to assist countries within and beyond the ECE region in their efforts to build capacities to effectively implement them,

8. *Call* for strengthening of cooperation with non-ECE countries interested in acceding to the Convention and the Protocol with a view to promoting mutual exchange of experience as well as the application of the two treaties beyond the ECE region;

9. *Call upon* Parties and encourage Signatories, other States as well as partner organizations and international financial institutions to coordinate their efforts in providing the appropriate technical assistance, as needed, notably for the development of legislation, and for building sufficient institutional capacity for the application of the Convention and the Protocol, in particular in countries in Eastern Europe, the Caucasus and Central Asia, as well as developing countries beyond the ECE region;

10. *Also invite* the secretariats of other relevant treaties, as well as international organizations, including other United Nations Economic and Social Council Regional Commissions and non-governmental organizations, to participate in and support the relevant activities under the Convention and the Protocol and to promote the application of the two treaties within their fields of competence;

11. *Further invite* civil society and all stakeholders to continue to assist with and contribute to the implementation and application of the Convention and the Protocol, noting that the meetings under the two treaties provide a platform for an exchange of views and information;

12. *Acknowledge* the role that international financial institutions and bilateral aid agencies play in mainstreaming environmental considerations into economic development throughout the world;

13. *Encourage* international financial institutions and bilateral aid agencies to ensure that their environmental assessment procedures are consistent with the Convention and the Protocol, notably in relation to their strategic planning and to investment projects with national and transboundary effects;

14. *Acknowledge* the importance of coordinated international cooperation among countries, governmental organizations and international financial institutions within and beyond the ECE region in assessing environmental, including health, effects, in particular in a transboundary context;

15. *Invite* the ECE Executive Secretary to continue to provide adequate secretariat support for the Convention and the Protocol and request the allocation of sufficient regular United Nations budget funds to ensure the stable and effective provision of secretariat functions, including to promote the implementation of the two treaties within and beyond the ECE region.